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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 CHRISTOPHER O'NEILL, CASE NO.: 3:12-CV-00091-RCJ-WGC  
8 Plaintiff,  
9 v.  
10 ROBERT BANNISTER, *et al.*,  
11 Defendants.  
12

**ORDER**

13 Before the Court is the Report and Recommendation of U.S. Magistrate Judge (#69<sup>1</sup>) entered on  
14 June 25, 2014, recommending that the Court grant and deny in part Defendants' Motion for Summary  
15 Judgment (#54). On July 9, 2014, Defendants filed their Limited Objection to the Magistrate Judge's  
16 Report and Recommendation (#70).

17 The Court has conducted it's *de novo* review in this case, has fully considered the objections of  
18 the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant  
19 to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's  
20 Report and Recommendation (#69) entered on June 25, 2014, should be adopted and accepted.

21 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (#69) is  
22 ADOPTED AND ACCEPTED.

23 IT IS HEREBY ORDERED that Plaintiff's request to defer consideration of Defendants' motion  
24 under Federal Rule of Civil Procedure 56(d) is DENIED.

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<sup>1</sup>Refers to court's docket number.

1 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (#54) is  
2 GRANTED AND DENIED IN PART as follows:

3 (a) The Motion for Summary Judgment (#54) is DENIED as to Plaintiff's claim that Dr. Mar  
4 violated the Eighth Amendment by engaging in alleged sexual misconduct on April 15,  
5 2010 and November 29, 2011;

6 (b) The Motion for Summary Judgment (#54) is GRANTED in favor of Dr. Mar, Dr.  
7 Gedney, John Peery, Dr. Johns, Dr. Bannister and Shiloh Reeves as to the Plaintiff's  
8 claim that they were deliberately indifferent to a serious medical need from August 2010  
9 through February 2011;

10 (c) The Motion for Summary Judgment (#54) is GRANTED in favor of Dr. Koehn as to  
11 Plaintiff's claim that Dr. Koehn was deliberately indifferent to a serious medical need in  
12 March of 2011;

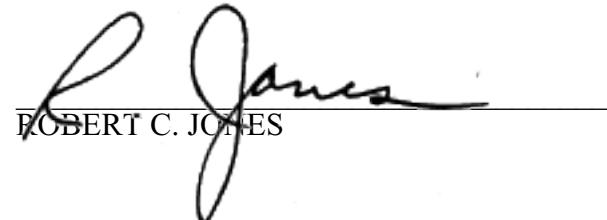
13 (d) The Motion for Summary Judgment is GRANTED in favor of Dr. Gedney, Dr. Johns,  
14 John Peery, and Sharon Koster as to Plaintiff's claim that they were deliberately  
15 indifferent to a serious medical need between March 31, 2011 and August 8, 2011;

16 (e) The Motion for Summary Judgment is GRANTED in favor of Dr. Koehn and Dr. Mar  
17 as to Plaintiff's claim that they were deliberately indifferent to a serious medical need  
18 between August 9, 2011 and January 30, 2012; and

19 (F) Plaintiff is not permitted to seek damages against Defendant Dr. Mar in his official  
20 capacity.

21 IT IS SO ORDERED.

22 DATED: this 16<sup>th</sup> day of September, 2014.

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24 ROBERT C. JONES  
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